

1 John Hsu  
2 P. O. Box 1255  
3 Berkeley, CA 94701  
4 H: (510) 841-5992

**FILED**

**JAN 29 2009**

**RICHARD W. WIEKING**  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

5 Plaintiff in pro per

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7  
8 **STATES DISTRICT COURT**  
9 **NORTHERN DISTRICT OF CALIFORNIA**

10  
11 JOHN HSU, )  
12 )  
13 Plaintiff, )  
14 )  
15 v. )  
16 )  
17 CALIFORNIA DEPARTMENT OF )  
18 TOXIC SUBSTANCES CONTROL, )  
19 )  
20 and )  
21 )  
22 JEFFREY WONG in his personal )  
23 capacity, )  
24 )  
25 Defendants. )  
26 )  
27 )  
28 )

CASE NO: C 08-02586 MHP

**EX PARTE APPLICATION TO  
APPEND 5/22/08 EMPLOYMENT  
DISCRIMINATION COMPLAINT  
WITH NEWLY RECEIVED  
NOTICES OF SUIT RIGHTS;  
[PROPOSED] ORDER.**

Hearing date:  
Hearing time:  
Courtroom: 15; 18<sup>th</sup> Floor  
450 Golden Gate Ave.  
San Francisco, CA 94102

Judge: The Honorable Marilyn  
Hall Patel

21 TO THE HONORABLE JUDGES OF THE COURT AND COUNSEL OF RECORD:

22  
23 On 5/22/08, plaintiff John Hsu filed the Employment Discrimination Complaint in the  
24 above Case. At p. 3 under Item 12 of the Complaint, plaintiff requested leave of Court to  
25 append additional EEOC Right-to-Sue letters. Today, 1/27/09, plaintiff received the new  
26 Notices of Suit Rights, dated 1/26/09. Accordingly, plaintiff here respectfully applies to the  
27 Court for leave to append the 5/22/08 Employment Discrimination Complaint with the 1/26/09  
28 U. S. EEOC Notices of Suit Rights, copies attached.

1 This Application has already been faxed today (1/17/09) to the opposing counsel Lillian  
2 Tabe at California Department of Justice, 1515 Clay Street, 20<sup>th</sup> Floor, Oakland, CA 94612,  
3 FAX: (510) 622-2270. Plaintiff has also called Ms. Tabe at (510) 622-2246 to discuss the  
4 Application. Ms. Tabe believes that plaintiff should first contact the Court for a hearing date,  
5 but neither Ms. Tabe nor plaintiff is certain whether a hearing is actually required.

6  
7 Dated: January 27, 2009

Respectfully submitted,

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9 


10  
11 JOHN HSU, Plaintiff in pro per  
12 P. O. Box 1255  
13 Berkeley, CA 94701  
14 Tel.: (510) 841-5992  
15 E-mail: shihlohsu@yahoo.com  
(not readily accessible by plaintiff)

16  
17 **~~[PROPOSED]~~ ORDER**

18 Plaintiff's ex parte Application to Append plaintiff's 5/22/08 Employment  
19 Discrimination Complaint with the 1/26/09 Notices of Suit Rights is granted.

20 IT IS SO ORDERED.

21 Date: 1/29/09

22  
23  
24  
25   
26 The Honorable Marilyn Hall Patel, Judge  
27 United States District Court  
28

**DISMISSAL AND NOTICE OF RIGHTS**

To: **John Hsu**  
**P O Box 1255**  
**Berkeley, CA 94701**

From: **San Francisco District Office**  
**350 The Embarcadero**  
**Suite 500**  
**San Francisco, CA 94105**



On behalf of person(s) aggrieved whose identity is  
**CONFIDENTIAL (29 CFR §1601.7(a))**

EEOC Charge No.

EEOC Representative

Telephone No.

**550-2007-02171**

**Judy Furukawa,**  
**Investigator**

**(415) 625-5615****THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

**- NOTICE OF SUIT RIGHTS -**

(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

*Heborah Randall*  
 for **Michael Baldonado,**  
**District Director**

**1/26/09**

(Date Mailed)

Enclosures(s)

cc: **Ms. Cheryl Artega, Chief, Office of Civil Rights**  
**CA DEPT OF TOXIC SUBSTANCES CONTROL**  
**1001 "I" Street**  
**Sacramento, CA 95812-0806**

EEOC Form 161 (2/08)

U.S. E M P L O Y M E N T O P P O R T U N I T Y C O M M I S S I O N

**DISMISSAL AND NOTICE OF RIGHTS**

To: **John Hsu**  
**P. O. Box 1255**  
**Berkeley, CA 94701**

From: **San Francisco District Office**  
**350 The Embarcadero**  
**Suite 500**  
**San Francisco, CA 94105**



On behalf of person(s) aggrieved whose identity is  
**CONFIDENTIAL (29 CFR §1601.7(a))**

EEOC Charge No.

EEOC Representative

Telephone No.

**550-2007-02169**

**Judy Furukawa,**  
**Investigator**

**(415) 625-5615****THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



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Enclosures(s)

On behalf of the Commission

*Deborah Randall*  
 for **Michael Baldonado,**  
**District Director**

**1/26/09**

(Date Mailed)

cc:

**Mr. Ernesto Cordova, Acting Deputy Director**  
**CA. DEPT. OF HEALTH SERVICES**  
**P.O. Box 997377**  
**Sacramento, CA 95899-7377**